

ENTERED

April 27, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

**NELDA NUNCIO, INDIVIDUALLY
AND AS REPRESENTATIVE OF AND
ON BEHALF OF THE ESTATE OF
LUIS ALBERTO BARRIENTOS,** §
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§
§

Plaintiff, §
§
§
§

V. §
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§
§

WEBB COUNTY, TEXAS, ET AL., §
§
§
§

Defendants. §

CIVIL ACTION NO. 5:20-CV-92

SECOND AMENDED SCHEDULING ORDER

On April 13, 2022, the Court held a status conference in the above referenced matter and ordered the parties to file a proposed amended scheduling order by April 25, 2022, to reflect the discussion of deadlines during the conference. (See Min. Entry Apr. 13, 2022). The parties submitted a Joint Motion to Amend Scheduling Order, (Dkt. No. 130), in accordance with the Court's Order. Now, pursuant to Fed. R. Civ. P. 16(b), the Court enters this Second Amended Scheduling Order.

PRETRIAL EVENT	DEADLINE
Deadline for Joinder of All Parties	September 1, 2022
Deadline to Designate Expert Witnesses ¹	Plaintiff: August 10, 2022 Defendants: September 12, 2022

¹ The parties shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) by these deadlines. The parties must file their lists of proposed expert witnesses with the Court by the designation deadline but should **NOT** file reports or other discovery materials.

Deadline for Plaintiff's Expert Rebuttal Report	October 12, 2022
Deadline to Amend the Pleadings (with consent of all parties or leave of Court)	Plaintiff: November 1, 2022
	Defendants: November 23, 2022
Deadline for Parties to Conduct Mediation ²	August 1, 2022
Deadline to Complete All Discovery, including depositions of expert witnesses ³	November 1, 2022
Deadline to File Motions to Exclude or Limit Expert Testimony	Motions must be filed by the later of (1) 30 days from receipt of the written report of the expert's opinions or (2) 30 days from the expert's deposition. Notwithstanding the foregoing, such motions must be filed no later than the dispositive motions deadline, below. ⁴
Deadline to File Motion for Summary Judgment	November 23, 2022
Responses in Opposition to Motion for Summary Judgment Due	December 23, 2022
Reply in Support of Motion for Summary Judgment Due	January 11, 2023
TRACK A — <i>If No Dispositive Motions are Filed:</i>	
Deadline to File Joint Pretrial Order, Motions in Limine, and Proposed Jury Instructions (or proposed findings of fact and conclusions of law)	January 6, 2023

² The parties are ordered to participate in mediation by the specified deadline. If the parties wish to engage in some other form of alternative dispute resolution, they may file a motion with the Court seeking leave to do so.

³ A party must serve its written discovery requests in sufficient time for the responding party to serve its responses before this deadline.

⁴ The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.

TRACK B — <i>If Dispositive Motions are Filed:</i>	
Deadline to File Joint Pretrial Order, Motions in Limine, and Proposed Jury Instructions (or proposed findings of fact and conclusions of law)	May 1, 2023

All expired deadlines contained in the Court's previous scheduling orders remain in effect, unless modified herein. This Scheduling Order shall not be modified except by leave of Court upon a showing of good cause and shall be binding on all parties. Fed. R. Civ. P. 16(b)(4). All other deadlines, which are not specifically set forth in this Scheduling Order, will be governed by the Federal Rules of Civil Procedure.

It is so **ORDERED**.

SIGNED on April 27, 2022.



John A. Kazen
United States Magistrate Judge